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FM AMEMBASSY COLOMBO  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7102  
RUEHGV/USMISSION GENEVA IMMEDIATE 2414  
INFO RUEHKA/AMEMBASSY DHAKA PRIORITY 0490  
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 7479  
RUEHKT/AMEMBASSY KATHMANDU PRIORITY 5639  
RUEHLO/AMEMBASSY LONDON PRIORITY 4086  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1509  
RUEHNY/AMEMBASSY OSLO PRIORITY 4132  
RUEHKO/AMEMBASSY TOKYO PRIORITY 3225  
RUEHCG/AMCONSUL CHENNAI PRIORITY 8073  
RUEHBI/AMCONSUL MUMBAI PRIORITY 5678  
RUEHON/AMCONSUL TORONTO PRIORITY 0432  
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY  
RHEFDIA/DIA WASHINGTON DC PRIORITY  
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY  
RUEHBS/USEU BRUSSELS PRIORITY  
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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 001484

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DEPARTMENT FOR SCA/INS AND DRL

E.O. 12958: DECL: 10/29/2017

TAGS: [PGOV](#) [PREL](#) [PTER](#) [PHUM](#) [MOPS](#) [CE](#)

SUBJECT: SRI LANKA: UN BRIEFS AMBASSADORS ON RESULTS OF  
ARBOUR VISIT

REF: (A) COLOMBO 1421 (B) COLOMBO 1407

Classified By: Classified by Ambassador Robert O. Blake, Jr. Reasons:  
1.4 (b,d).

11. (C) SUMMARY: UN High Commissioner for Human Rights Louise Arbour did not call publicly for an international human rights monitoring mission during her recent visit here. However, she made her desire for international monitoring clear to Sri Lankan government officials in private. The GSL indicated it would be willing to have a few more staff attached to the Colombo UN office to assist with capacity building. Arbour told the GSL that this was not enough and that the UN should have a role in observing, analyzing, and contributing to public reporting on human rights violations. UN officials believe that Arbour's visit created an opening for future engagement with the GSL, even though the government will not concede to its domestic audience at this point that UN monitors are warranted. Both the UN and resident diplomats in Colombo believe that increasing pressure on the GSL for international monitors through strong public statements may be counterproductive at this time and could close off possibilities for exercising influence to improve the situation for the victims of the conflict. Embassy hopes that Department will be able to work with the U.S. Congress to ensure that language passed into law that specifically cites the need for a UN human rights presence here will not go beyond what the UN itself is currently willing to state publicly. See para 9 for action recommendation for U.S. Mission Geneva. End summary.

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One Thousand Petitioners in Jaffna Clamor to See Arbour  
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12. (C) At a meeting hosted by the Australian High Commissioner in Sri Lanka, the UN resident representative and Louise Arbour's Colombo representative briefed Ambassadors and DCMs of the UK, US, Norway, Japan, EU, India, Germany, France, Italy, Netherlands, Switzerland and Canada on the outcomes of UN High Commissioner for Human Rights Louise

Arbour's recent visit. DCM attended for the Embassy. UNDP Resident Representative Neil Buhne told the diplomats that GSL cooperation on Arbour's visit was generally good in the lead-up, although the GSL made last-minute changes just before she arrived. Arbour was able to hold most of the meetings she requested, although the GSL would not permit a visit to the Liberation Tigers of Tamil Eelam (LTTE) Tiger de facto capital of Kilinochchi or to the prison in Jaffna. In Jaffna, she met with NGOs, civil society, and local staff of the UN agencies. There were over 1000 petitioners gathered in front of UNHCR offices clamoring to see her. Due to crowds, she held her meetings in the bishop's quarters.

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Building Technical Capacity Is Not Sufficient  
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¶3. (C) Buhne reported that Arbour had discussed her statement with Human Rights Minister Samarasinghe in advance. As a result of that conversation, she refrained from using the word "monitor." She did express to Samarasinghe and other interlocutors that she felt the current human rights institutional framework was not credible and affirmed it was her goal to have an OHCHR office in Sri Lanka with a full mandate. She made it clear to the GSL, albeit privately, that simply building technical capacity was not enough. She was therefore not pleased when the GSL said publicly that she did not request a monitoring mission. Arbour will report on the results of her visit on December 10 at the next session of the HR Council.

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"Expanded Space" for Human Rights Engagement  
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¶4. (C) Arbour's Colombo representative, OHCHR official Jyoti Sanghera, emphasized that as a result of the visit, "the discourse has moved to a different level" and "the OHCHR has an expanded space" to operate in Sri Lanka. She explained that while the GSL appears open to a more robust OHCHR presence and to moving beyond mere technical cooperation, it is reluctant (for internal political reasons) to say so publicly. The UN and GSL are therefore using more general terminology about the "structures" and "mechanisms" that could be used. The GSL acknowledged to Arbour that human rights institutions and capacity need strengthening.

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Arbour: GSL Not Fully Supporting Commission of Inquiry  
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¶5. (C) Sanghera noted that Arbour had pointed out that the Sri Lankan national Human Rights Commission (HRC) had failed to issue any public report since the one for 2004-05. In Arbour's meeting with the head of HRC, he told her the Commission's latest report has been with the President for approval since January. Arbour also looked into the work of the Presidential Commission of Inquiry on Human Rights Abuses (CoI), and found that no cases will have been completed by the time the CoI's initial one-year mandate expires in early November 2007. Several members of the CoI noted to Arbour their lack of resources and lack of ability to compel GSL officials to testify. Arbour concluded that the GSL is not fully supporting the COI in carrying out its mandate.

¶6. (C) Arbour also noted the lack of victim and witness protection as a serious problem. Even if the CoI and the Sri Lankan judicial system were performing adequately (which is far from being true), they could only deal with abuses that have already occurred. There is no capacity to deter or prevent future human rights abuses. In her statement, she did not call for a monitoring mission but, rather, said that there was a need for "independent information gathering and public reporting on human rights issues." Sanghera reported

that OHCHR believes the GSL is feeling the pressure on human rights and knows it cannot put off international human rights observation indefinitely.

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Monitors in All But Name  
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17. (C) DCM asked for clarification of what Arbour actually did say to or request from the GSL. The UN reported that the GSL said it would be willing to have a few more people attached to the local UN office to "build capacity." Arbour then told the GSL that this would not go far enough and that the UN needs a role in "observing, analyzing, and contributing to public reporting on human rights violations in the country." Arbour's staff said she was genuinely moved by what she saw in Jaffna and challenged Samarasinghe to acknowledge the gravity of the human rights crisis there. They noted that Arbour was not interested in bringing more staff to Sri Lanka simply to provide "technical assistance." Arbour did not use the word "monitoring" because, they said, she did not want to be confrontational, but what she talked about clearly falls into the category of a monitoring activity. Sanghera clarified that Arbour did specifically say that the UN "would like to open an office of the High Commissioner for Human Rights here."

18. (C) The UK High Commissioner noted that some GSL officials (such as Minister of Disaster Management and Human Rights Mahinda Samarasinghe) are willing to concede more in private meetings than GSL public statements would suggest.

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He added: "We don't want to raise the temperature so high that constructive engagement becomes impossible." Sanghera added that that it is important to not close off continued dialogue. At a minimum, the international community's efforts to date have made it clear that the GSL is no longer in a "business-as-usual mode" on human rights. The Indian High Commissioner was confident that the GSL understands that Sri Lanka's problem with human rights is not just one of image, but also of fact. He was skeptical, however, as to the degree to which the GSL will be willing to engage on human rights. The Japanese Ambassador counseled patience, saying it was not advisable to try to force something on the GSL something it doesn't want. He feared the political opposition would seek to use international pressure on human rights to undermine and destabilize the GSL. UN Resident Representative Buhne replied that there is plenty of scope to engage with political parties and civil society even if the GSL is sticking to its script. He was sure it would be possible to have an impact, including through political parties, civil society, and with sympathetic members of the GSL.

19. (C) COMMENT: The diplomats present agreed that simply increasing the external pressure may not be the best approach. Embassy concurs that while there is much to do to improve the human rights climate here, confrontational public statements may impede the international community's ability to have an impact. In that sense, USG statements that go beyond what the UN is saying publicly could be counterproductive; the same would apply to any legislation passed by the U.S. Congress containing language that specifically calls for the establishment of a UN monitoring mission. Ideally, this should be carefully calibrated and checked against UN statements on the same subject. We will encourage UN officials here to stand firm against providing a "technical assistance" capacity without a real monitoring function, which would allow the GSL to play again for time and assert that it is doing more to improve its human rights record than is really the case. We recommend that the UN Mission in Geneva meet with Arbour and clarify what she intends to say about Sri Lanka in her statement at the December session of the Human Rights Council in Geneva and discuss USG coordination with and reinforcement of her

message.  
BLAKE